

CHAPTER 40-03.2
CHANGE FROM COUNCIL SYSTEM TO MODERN COUNCIL SYSTEM

40-03.2-01. Change from council system of government - Petition required. Any city incorporated as a city under the council form of government may change its organization thereunder and adopt the modern council form of government. The proceeding to change shall be initiated by a petition asking for such change signed by not less than one-third of the qualified electors of the city. For the purpose of this section the term "qualified electors of the city" means the total number of qualified electors voting at the preceding general election of the city. The signatures to such petition need not be contained in a single paper, but one of the signers upon each paper shall make oath before an officer competent to administer oaths that each signature appearing upon such paper is the genuine signature of the person whose name it purports to be. Each petition, in addition to the names of the signers, shall contain the address of each petitioner, and the length of the petitioner's residence in the city. Any petitioner shall be permitted to withdraw that petitioner's name from a petition within five days after the petition is filed.

40-03.2-02. City auditor to pass on sufficiency of petition. Within thirty days after a petition to change from the council system of government is filed, the city auditor shall examine the petition and ascertain from the voters' register whether or not the petition is signed by the required number of qualified electors. The city auditor shall attach to the petition the city auditor's certificate showing the result of the city auditor's examination, and if the city auditor finds the petition to be insufficient the city auditor's certificate shall show the reason for such determination. An insufficient petition may be amended within ten days after the city auditor's certificate is made. Within thirty days after an amended petition is filed, the auditor shall make an examination thereof, and if the city auditor's certificate shows such amended petition to be insufficient, the petition shall be returned to the person filing the same without prejudice to the filing of a new petition. If the city auditor shall find the petition or the amended petition to be sufficient, the city auditor shall place the same with the city auditor's certificate before the governing body of the municipality.

40-03.2-03. Procedure when petition to change from council system of government is filed - Special election - Ballot. When a petition to change from the council system of government, together with the city auditor's certificate of sufficiency, is filed with the governing body of a municipality, the governing body shall call a special election at which only the question of changing from the council system of government will be submitted. The date of such election may not be less than thirty days nor more than ninety days after the date the auditor's certificate has been filed. The election must be conducted, returns thereof made, and the result thereof declared in all respects as are other city elections. Notice of such election must be given by the publication of the proposition to be voted upon, the places where the election will be held, and the date of the election, in each newspaper published in the city, not more than twenty days and not less than five days before the date of such election. The ballots to be used at the election provided for in this section must be in substantially the following form:

Shall the city of _____ change from its organization under the council system of government and become a city under the modern council form of government with a five-member (or seven-member, nine-member, or eleven-member) council?

Yes ☐

No ☐